

ESTTA Tracking number: **ESTTA760352**

Filing date: **07/25/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	American Airlines, Inc.
Granted to Date of previous extension	07/24/2016
Address	4333 Amon Carter Blvd. Fort Worth, TX 76155 UNITED STATES

Attorney information	Danielle C. Gillen BRINKS GILSON & LIONE P.O. Box 10395 Chicago, IL 60610 UNITED STATES dgillen@brinksgilson.com, officeactions@brinksgilson.com, aavsec@brinksgilson.com, jhandelman@brinksgilson.com, rrios@brinksgilson.com Phone:312-321-4200
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Applicant Information

Application No	86755579	Publication date	01/26/2016
Opposition Filing Date	07/25/2016	Opposition Period Ends	07/24/2016
Applicant	Le, Matthew Christopher Thanh 8501 Barstow Drive Amarillo, TX 79118 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2014/12/01 First Use In Commerce: 2015/04/01


All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1889949	Application Date	11/04/1993
Registration Date	04/18/1995	Foreign Priority Date	NONE
Word Mark	AA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1993/06/25 First Use In Commerce: 1993/06/25 men's, women's and children's clothing;namely, hats, caps, shirts and T-shirts		


U.S. Registration No.	2356861	Application Date	11/04/1998
Registration Date	06/13/2000	Foreign Priority Date	NONE
Word Mark	AA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1991/06/01 First Use In Commerce: 1991/06/01 scale model airplanes made of metal,[wood]and plastic[; scale model airplanesincorporating a coin bank]		

U.S. Registration No.	514292	Application Date	07/27/1948
Registration Date	08/23/1949	Foreign Priority Date	NONE
Word Mark	AA		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 1935/12/00 First Use In Commerce: 1935/12/00 AIR TRANSPORT OF PASSENGERS AND FREIGHT

U.S. Registration No.	2339639	Application Date	12/01/1997
Registration Date	04/11/2000	Foreign Priority Date	NONE

Word Mark	AA.COM
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 039. First use: First Use: 1998/02/05 First Use In Commerce: 1998/02/05 transportation of passengers and cargo by air
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U.S. Registration No.	4004914	Application Date	06/15/2010
Registration Date	08/02/2011	Foreign Priority Date	NONE

Word Mark	AA
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Design Mark	
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Description of Mark	The mark consists of the letters "AA" with an eagle design element. The first appearing "A" is in the color red. The eagle design element and the second ap-
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	peating "A" are in the color blue.
Goods/Services	Class 039. First use: First Use: 1969/04/01 First Use In Commerce: 1969/04/01 transportation of passengers by air

U.S. Registration No.	2313875	Application Date	11/05/1998
Registration Date	02/01/2000	Foreign Priority Date	NONE
Word Mark	AA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1991/06/01 First Use In Commerce: 1991/06/01 model airplanes made of plastic, metal, and wood; golf balls; golf tees; [divot repair tool and brush set for golfers; golf tee box]		

U.S. Registration No.	1905580	Application Date	11/12/1993
Registration Date	07/18/1995	Foreign Priority Date	NONE
Word Mark	A A		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1993/06/25 First Use In Commerce: 1993/06/25 breastpins, brooches, [precious metal money clips,] and tie clips

U.S. Registration No.	1895142	Application Date	11/12/1993
Registration Date	05/23/1995	Foreign Priority Date	NONE
Word Mark	A A		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 021. First use: First Use: 1993/06/25 First Use In Commerce: 1993/06/25 beverage containers; namely, mugs, porcelain mugs, porcelain tankards and beverage glassware

U.S. Registration No.	1794340	Application Date	07/09/1990
Registration Date	09/21/1993	Foreign Priority Date	NONE

Word Mark	AA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 028. First use: First Use: 1987/02/01 First Use In Commerce: 1987/02/01 balloons, model airplanes, toy airplanes, toy trucks, board games, plush toys, skateboards, non-motorized scooters, kites, and toy mobiles
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Attachments	74454306#TMSN.png(bytes) 75581098#TMSN.png(bytes) 75397907#TMSN.png(bytes) 85063468#TMSN.png(bytes) 75583444#TMSN.png(bytes) 74457649#TMSN.png(bytes) 74457650#TMSN.png(bytes) 74076272#TMSN.png(bytes) 2016-07-25 Notice of Opposition - AA stylized - Final.pdf(128100 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Danielle C. Gillen/
Name	Danielle C. Gillen

Date	07/25/2016
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

American Airlines, Inc., Opposer, v. Matthew Christopher Thanh Le, Applicant.	Opposition No.: _____ U.S. Serial No.: 86/755,579
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NOTICE OF OPPOSITION

Opposer American Airlines, Inc. (“American” or “Opposer”), a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in Fort Worth, TX, believes that it will be damaged by registration of the mark that is the subject of United States Trademark Application Serial No. 86/755,579 (the “Opposed Mark”), in the name of Matthew Christopher Thanh Le (“Applicant”), and therefore hereby opposes such registration pursuant to 15 U.S.C. §1063. In support of its opposition, Opposer states as follows:

1. Applicant is the owner of U.S. Trademark Application Serial No. 86/755,579 for the mark AA (and Design) filed on September 14, 2015, covering the following recitation of services: “Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms” in Class 25. The Opposed Mark is pictured below:



2. Opposer has been, and now is, extensively engaged in the business of marketing and selling various goods and services in interstate commerce including air transportation services and men's, women's and children's clothing, such as hats, caps, shirts and T-shirts. In connection with such marketing and sales, Opposer extensively has used, and continues to use, the trademark and/or service mark AA, alone and in connection with other words and designs (the "AA Marks").

3. Opposer's registered and common law trademark rights in the AA Marks predate Applicant's filing date of the Opposed Mark.

4. Opposer is the owner of, among others, the United States trademark applications and registrations for the AA Marks listed in the attached Exhibit A. All of these registrations are valid, subsisting and in full force and effect. Indeed, the right of Opposer to use many of the AA Marks is incontestable pursuant to 15 U.S.C. § 1065. In addition to Opposer's registration rights, Opposer has extensively used the AA Marks and owns common law rights in the AA Marks that predate Applicant's filing date of the Opposed Mark. Opposer's common law rights in the AA Marks include air transportation services and men's, women's and children's clothing, such as hats, caps, shirts and T-shirts.

5. Opposer's AA Marks are strong and distinctive. Opposer's goods and services offered in association with the AA Marks have been, and continue to be, extensively marketed and sold in United States commerce. Further, Opposer has extensively promoted its goods and services in association with the AA Marks in the United States. By reason of such advertising, promotion, and sale of Opposer's goods and services under the AA Marks, Opposer has developed substantial goodwill and strong common law rights in connection with the AA Marks.

6. Notwithstanding Opposer's prior rights in and to the AA Marks, Applicant filed, on September 14, 2015, an application to register the Opposed Mark.

7. The Opposed Mark is confusingly similar to Opposer's AA Marks, and the registration and use of the Opposed Mark by Applicant in association with the claimed goods is likely to cause confusion as to the source or origin of Applicant's goods, and is likely to mislead consumers, all to Opposer's damage.

8. The goods of Opposer and those contained in the recitation of goods in the application of the Opposed Mark are identical or closely related and are offered to the same or overlapping classes of purchasers.

9. The Opposed Mark, as used in connection with the applied-for goods, is likely to cause confusion in the minds of the public, and is likely to deceive purchasers. The public, upon seeing the Opposed Mark in connection with Applicant's goods, would believe that such goods originate with, or have some connection with, Opposer. Accordingly, registration of the Opposed Mark would seriously damage Opposer, and registration therefore should be refused pursuant to 15 U.S.C. §1052.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark which is the subject of United States Trademark Application Serial No. 86/755,579 and therefore respectfully requests that such registration be refused on the grounds of likelihood of confusion.

The Director hereby is authorized to charge the filing fee for this Notice of Opposition to Deposit Account No. 23-1925.

Respectfully submitted,

AMERICAN AIRLINES, INC.

Dated: July 25, 2016

By: /Danielle C. Gillen /

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Danielle C. Gillen
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Attorneys for Opposer




CERTIFICATE OF SERVICE




The undersigned hereby certifies that a copy of the foregoing NOTICE OF OPPOSITION was served on Applicant at the following address by Federal Express Overnight Delivery on this 25th day of July, 2016.

Timothy C. Williams
Sprouse Shrader Smith PLLC
701 S Taylor St Ste 500
Amarillo, TX 79101-2424

/Danielle C. Gillen/

EXHIBIT A

Mark	Registration No.	Registration Date	Goods and Services
	1889949	4/18/1995	Class 25 (men's, women's and children's clothing; namely, hats, caps, shirts and T-shirts)
AA	2356861	6/13/2000	Class 28 (scale model airplanes made of metal, and plastic)
AA	0514292	8/23/1949	Class 39 (AIR TRANSPORT OF PASSENGERS AND FREIGHT)
AA.COM	2339639	4/11/2000	Class 39 (transportation of passengers and cargo by air)
	4004914	8/2/2011	Class 39 (transportation of passengers by air)
	2313875	2/1/2000	Class 28 (model airplanes made of plastic, metal, and wood; golf balls; golf tees)

Mark	Registration No.	Registration Date	Goods and Services
	1905580	7/18/1995	Class 14 (breastpins, brooches, and tie clips)
	1895142	5/23/1995	Class 21 (beverage containers; namely, mugs, porcelain mugs, porcelain tankards and beverage glassware)
	1794340	9/21/1993	Class 28 (balloons, model airplanes, toy airplanes, toy trucks, board games, plush toys, skateboards, non-motorized scooters, kites, and toy mobiles)